

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SEAN JENKINS

Plaintiff,

v.

CIOCCA MANAGEMENT, INC.

Defendant.

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Civil No. 5:23-cv-05115-JMG

ORDER

AND NOW, this 9th day of January, 2025, upon consideration of Defendant's Motion for Summary Judgment (ECF No. 19) and Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (ECF No. 20), **IT IS HEREBY ORDERED** that Defendant's Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's Motion (ECF No. 19) is **GRANTED** as to Plaintiff's Section 1981 claim under the mixed-motive theory.
2. Defendant's Motion (ECF No. 19) is **DENIED WITHOUT PREJUDICE** as to Plaintiff's Title VII Discrimination claims under the mixed-motive theory.
3. In all other respects, Defendant's Motion (ECF No. 19) is **DENIED**.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER

United States District Court Judge